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11
12 Attorneys for Tulare Local Healthcare District,
13 dba Tulare Regional Medical Center

14 8 IN THE UNITED STATES BANKRUPTCY COURT
15 9 EASTERN DISTRICT OF CALIFORNIA
16 10 FRESNO DIVISION

17 In re

18 TULARE LOCAL HEALTHCARE
19 DISTRICT dba TULARE
20 REGIONAL MEDICAL CENTER,

21 Debtor.

22 Tax ID #: 94-6002897
23 Address: 869 N. Cherry St.
24 Tulare, CA 93274

25 CASE NO. 17-13797

26 Chapter 9

27 DC No.: WW-26

28 Date: February 15, 2018
Place: 2500 Tulare Street
Time: 9:30 a.m.
Courtroom 13
Judge: Honorable René Lastreto II

29 19 ORDER APPROVING AGREEMENT RELATING TO RELIEF FROM THE
30 20 AUTOMATIC STAY

31 22 At Fresno, in the Eastern District of California.

32 23 The Court having received and reviewed the Motion for Approval of Agreement
33 24 Relating to Relief From the Automatic Stay, the Motion having been duly and properly
34 25 served and noticed, and there being no objection to the relief sought, and good cause
35 26 appearing,

36 27 RECEIVED
37 28 February 15, 2018
CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
0006222324

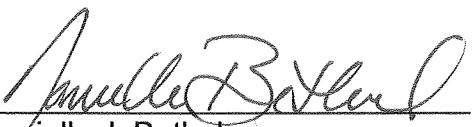
AGREEMENT RELATING TO RELIEF
FROM AUTOMATIC STAY

-1-

M:\S-U\TRMC\PLEADINGS\WW-26 Motion to Approve
Stipulation for Relief from Stay
(CALDERON)\Order.011918.djb.docx

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Motion be
2 approved and said Stipulation attached to this Order as Exhibit "A" shall be, and hereby
3 is, adopted as the Order of this Court.
4
5

6 Presented by:
7 WALTER WILHELM LAW GROUP
a Professional Corporation

8 
9 Danielle J. Bethel,
10 Attorneys for Debtor, Tulare Local
11 Healthcare District, dba Tulare Regional
12 Medical Center

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20 Dated: Feb 15, 2018

By the Court

21 
22 René Lastreto II, Judge
23 United States Bankruptcy Court
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27
28

4
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District Counsel

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

In re

**TULARE LOCAL HEALTHCARE
DISTRICT dba TULARE
REGIONAL MEDICAL CENTER,**

Debtors.

Tax ID #: 94-6002897
Address: 869 N. Cherry Street
Tulare, CA 93274

CASE NO. 17-13797

DC No.: WW-26

Chapter 9

Date: N/A
Time: N/A
Place: 2500 Tulare Street
Fresno, CA 93721
Courtroom 13
Dept. B, Fifth Floor
Judge: Honorable René Lastreto II

**STIPULATION FOR RELIEF FROM THE AUTOMATIC STAY
PURSUANT TO 11 U.S.C. § 362**

EXHIBIT 7 4
Page 7 Of 1

1 TULARE LOCAL HEALTHCARE DISTRICT, dba Tulare Regional Medical Center
2 ("TRMC") and JIAME CALDERON AND THE THREE CHILDREN OF JIAME
3 CALDERON AND ANA CALDERON (deceased)(collectively "Plaintiffs"), by and through
4 their respective counsel, hereby enter into the within Stipulation for Relief from the
5 Automatic Stay pursuant to 11 U.S.C. § 362 (the "Stipulation"). The Stipulation is made
6 with reference to the following:
7

8 **RECITALS**

9 1. On September 30, 2017, TRMC commenced a voluntary case under chapter 9 of
10 title 11 of the United States Bankruptcy Code in the United States Bankruptcy Court,
11 Eastern District of California ("Petition Date").
12

13 2. Prior to the Petition Date Plaintiff commenced an action in the Tulare County
14 Superior Court against TRMC, styled *Jiame Calderon v. Adanna Ikedilo, M.D., Tulare*
15 *Regional Medical Center, et al., U.S. District Court, Eastern District of California, Fresno*
16 *Division, Case No. 1:17-cv-00040* ("Lawsuit"), seeking damages for the tort of
17 negligence resulting in wrongful death allegedly caused by TRMC prior to the filing of
18 the bankruptcy case ("Malpractice Claim").
19

20 3. TRMC denies the allegations made by Plaintiffs in the Lawsuit.
21

22 4. TRMC and Plaintiffs (collectively "the Parties") have agreed to allow the
Automatic Stay to be modified pursuant to the terms and conditions stated herein.
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STIPULATION AND AGREEMENT

NOW, THEREFORE, subject to Court approval, the parties hereby stipulate and agree as follows:

5. The Automatic Stay shall be modified such that Plaintiffs shall be permitted to prosecute the Lawsuit to settlement or judgment against TRMC and/or the other defendants in the Lawsuit for the purposes of determining the liability and damages, if any, of TRMC and/or the other defendants with respect to the Malpractice Claim;

6. Plaintiffs' recovery against TRMC in the Lawsuit, if any, shall be limited to any proceeds available under any insurance policy, policies, or any liability coverage contracts¹, as the case may be, if any, applicable to Plaintiffs' Malpractice Claim, and not from TRMC's assets.

7. Further, Plaintiffs waive their right to collect the first \$100,000 of any settlement or judgment resulting from the Lawsuit against TRMC (representing TRMC's deductible under the Policy).

8. Accordingly, should Plaintiffs prevail in the Lawsuit as against TRMC any recovery by Plaintiffs against TRMC shall be limited to applicable insurance, or the Policy, if any, and shall further be limited by Plaintiffs' waiver of rights to collect the first \$100,000 of any settlement or judgment against TRMC as set forth above. The Lawsuit will not be prosecuted for the purpose of reaching the assets of TRMC other than applicable insurance and/or the Policy.

11

¹ TRMC is a member of a risk-sharing pool (the "Policy"). Pursuant to California Government Code sections 6500 et seq., and sections 990 et seq., BETA Healthcare Group Risk Management Authority ("BETA") administers the pool under a joint powers agreement. BETA and TRMC have entered into a Stipulation for Assumption of the BETA Policy and TRMC has filed a Motion for Order Authorizing Assumption of the BETA Policy Pursuant to Stipulation ("Motion"). A hearing on the Motion is scheduled for January 25, 2018.

**STIPULATION FOR RELIEF FROM AUTOMATIC
STAY (CALDERON)**

9. Therefore, it is agreed that the Automatic Stay pursuant to 11 U.S.C. § 362 be vacated as to Lawsuit on the terms and conditions provided above.

10. Any amendment to this Stipulation shall be made in writing, signed by both Parties, and approved by the Court.

11. The Parties stipulate to entry of an order approving this Stipulation subject to compliance with FRBP 4001, if required.

IT IS HEREBY STIPULATED AND AGREED,

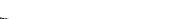
1-17-, 2018

The Law Office of Raymond Chandler

~~Raymond D. Chandler, Attorneys for
Plaintiffs, Jaime Calderon and the
Three Children of Jaime Calderon And
Ana Calderon (deceased)~~

1/19, 2018

**WALTER WILHELM LAW GROUP,
a Professional Corporation**


Danielle J. Bethel, Attorneys for Debtor,
Tulare Local Healthcare District, dba
Tulare Regional Medical Center

**STIPULATION FOR RELIEF FROM AUTOMATIC
STAY (CALDERON)**